

May 27, 1981

LB 556A, 396

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2344 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. We will now take up a motion on the desk on LB 396.

CLERK: Mr. President, Senator Carsten would move to return LB 396 to Select File for a specific amendment.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, I certainly do want to apologize to you for having to do this but in order for this bill to be what we believe to be proper, we need to do this and it was from the Attorney General's opinion that we have done it and I would move then, Mr. President, that we return the bill for this specific amendment. I have circulated the amendment to you. It is basically a clarifying amendment. The decision that was rendered on the potash bill a couple of years ago said it lacked clarity and was not detailed enough. This language in these two parts is taken from the court decision, the first one on page 2, strike "product" and insert "finished product which is sold in the normal course of business to the ultimate consumer and". Secondly, on page 6, line 12, after the period, insert "The distributor who first causes the distribution of the agricultural liming material into or within this state shall be responsible for compliance with the registration requirements of this section." Now this language is taken out of the correction bill that was passed last year relative to that potash. It is a clarifying and does answer the objection that the Attorney General had and I do believe we need it and I would ask your cooperation in bringing this bill back and adopting this amendment.

SENATOR CLARK: The question before the House is the return of 396. Is there any discussion? All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned.

SENATOR CARSTEN: Now, Mr. President, I move for the adoption of the amendment as I have explained it.